IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. JUSTICE NOOTY RAMAMOHANA RAO

W.P. NOS. 6244, 6083, 6088, 6091, 6093, 6094, 6099, 6105, 6705, 5611, 5618, 6246 AND 6249 OF 2006

Between:

Christian Medical Centre, Rep. By its
Medical Officer Incharge, Pithapuram
East Godavari District

Petitioners

AND

Pithapuram Municipal Council,
Rep. By its Commissioner,
Pithapuram, East Godavari District

Respondents

COMMON ORDER:

(Per the Hon'ble Sri Justice Bilal Nazki)

These writ petitions raise common question of law and facts, are being disposed of by this common order. Petitioner is the same and the date of impugned notice is also the same.

The petitioner is aggrieved of the special notice dated 23.02.2005 and consequential demand notice dated 05.10.2005 concerning the demand made for payment of the property tax of various properties belonging to the petitioner.

During the hearing, it was pointed out by the learned counsel for the petitioner that he had filed revision after receiving the Special Notice before the Commissioner and no order was passed or ever communicated to him.

On the last occasion, we directed the learned counsel for the respondent to examine the situation and report to this court.

A copy of the letter written by the Commissioner, Pithapuram Municipality, East Godavari District, dated 5.10.2005, has been placed on record today. By this letter, the petitioner was informed that the revision was considered and appropriate orders had been passed in the revision. This letter has four references and one of the references is order of the E/A dated 9.8.2005. This order

is supposed to have been passed in the revision. But this order was never communicated to the petitioner. There is no proof in the record of this order having ever been served on the petitioner.

The learned Standing Counsel for the respondent also examined the record, which is with him, and he also submits that the order is not found in the file. In that view of the matter, it is presumed that no order has been passed on 9.8.2005, inasmuch as the order is not available in the file nor was ever communicated to the petitioner and as a result, we allow the writ petitions quashing the impugned notice and direct the respondent to hear the petitioner and pass appropriate orders in the revision afresh. No orders as to costs.

The amounts deposited by the petitioner in between, may remain with the respondent and may be adjusted after his liability is ascertained.

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Bilal Nazki, J.

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Nooty Ramamohana Rao, J.

April 19, 2007
MAS